

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 20-cr-252 (WMW/HB)

Plaintiff,

v.

ARRAIGNMENT ORDER

Elizabeth Reeves Sporleder (2),

Defendant.

A hearing was held before the undersigned United States Magistrate Judge on January 28, 2021. Defendant was present in court with her attorney, Shannon Elkins, Assistant Federal Public Defender. The government was represented by Nathan Nelson, Assistant United States Attorney.

Defendant identified herself by name and age; waived the reading of the indictment; and entered a plea of not guilty.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED

that:

1. The government shall make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **February 4, 2021**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **February 4, 2021**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Pursuant to the Due Process Protections Act, the Court confirms the United States’ obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States’ case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

3. Defendant shall make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **February 11, 2021**. D. Minn. LR 12.1(a)(2).

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **February 18, 2021**.¹ D. Minn. LR 12.1(c)(1).

5. **Counsel shall electronically file a letter on or before February 18, 2021, if no motions will be filed and there is no need for hearing.**

6. Defendant must file a consent that any evidentiary hearing on the motions may proceed by video means, or a notice that Defendant does not so consent, as soon as possible, but in any event no later than **February 18, 2021**. Any delay in filing the notice regarding consent could result in a postponement of the hearing.

7. All responses to motions and any Notice of Intent to Call Witnesses² shall be filed by **March 4, 2021**. D. Minn. LR 12.1(c)(2); D. Minn. LR. 12.1(c)(3)(A).

¹ “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

8. Any Responsive Notice of Intent to Call Witnesses³ shall be filed by **March 8, 2021**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response.

10. If required **and if Defendant consents to proceed by video means**, the motions hearing shall be heard before Magistrate Judge Hildy Bowbeer on **March 12, 2021**, at **1:00 p.m.**, by ZOOMGOV video technology. If Defendant declines to proceed by video technology, the parties will be provided with a hearing date by separate order. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT**, the following trial and trial-related dates are:

- i. All motions in limine, proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers **on**

² "When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(A).

³ "If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(B).

or before March 8, 2021. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

- ii. This case shall commence trial on **March 22, 2021**, at **9:00 a.m.** before District Judge Wilhelmina M. Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Wilhelmina M. Wright to confirm the new trial date.

Dated: January 28, 2021

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge